

State



STATE OF
MINNESOTA

Register

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To Our Subscribers:

You may have noticed that the format of this issue of the *State Register* is different from its predecessors. Our headings are set in a new, easier to read, more modern type style, Helvetica. Titles, excepting section titles, are now set in a column format. Section headings are continuous throughout each section.

These changes are being made in order to assure our client agencies of greater economy and, at the same time, to provide you, our subscribers, with what we believe is a more attractive and accessible format. They represent, in fact, our response to those of you who have taken the trouble to offer both suggestions and criticisms concerning the *State Register's* present format. We hope you will continue to do so.

George T. Morrow, II
Director

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*New rules, both proposed and adopted, and which have never been disseminated or published, are not included in the List of MSAR Rules Affected. Rules which are listed as "uncodified" have been disseminated, but have never been published in the MSAR.

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Old Numbers:	New Numbers:	Old Numbers:	New Numbers:
DE 1	DE 1	DE 31	repealed
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Chapter One: General Provisions

DE 1 Tenses, gender and number. For the purposes of these rules and regulations, the present tense includes the past and future tenses, and the future, the present; the masculine gender includes the feminine, and the feminine, the masculine; and the singular includes the plural, and the plural, the singular.

DE 2 Definitions. For the purposes of these rules and regulations, the terms:

A. "Act" shall mean Laws of 1969, ch. 974, codified as Minn. Stat. §§ 150A.01 through 150A.12, as from time to time amended.

B. "Applicant" means a person who has submitted an application to become a licensee, registrant, or a CDE sponsor.

C. "Assistant" means a person who assists the dentist in carrying out the basic duties of a dental office.

D. "Auxiliary" means a hygienist, registered dental assistant, and assistant.

E. "Board" shall mean the [Minnesota] State Board of Dentistry.

F. "CDE" means continuing dental education.

G. "Commission on Accreditation" means the Commission on Accreditation of the Dental and Dental Auxiliary Education Programs.

H. "Course" means an educational offering, class, presentation, meeting, or other similar event which is offered by a sponsor and qualifies for CDE credit or for which a licensee or registrant requests CDE credit pursuant to DE 53.

I. "Dental technician" means a person other than a licensed dentist who performs any of the services described in § 150A.10, subd. 3 of the Act.

J. "Dentist" means a person holding a license issued by the Board pursuant to [150A.01 through 150A.12] the Act.

K. "Hygienist" means a person holding a license as a dental hygienist issued by the Board pursuant to [the provisions of] § 150A.06, subd. 2 of the Act.

L. "Licensee" means a dentist or hygienist.

M. "Minnesota Professional Corporations Act" shall mean Minn. Stat. §§ 319.01 through 319.22 as from time to time amended.

N. "National Board" shall mean an examination administered nationally and acceptable to the Board.

O. "Registered dental assistant" means an assistant registered by the Board pursuant to § 150A.16, subd. 2a of the Act.

P. "Registrant" means a registered dental assistant.

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Q. "Registry" means the centralized record-keeping service of the American Dental Association Continuing Education Registry.

R. "Sponsor" means an organization approved by the Board pursuant to DE 52 to offer CDE courses.

S. "Supervision" shall be defined in one of the following classifications:

1. "Direct supervision" means the dentist is in the dental office, personally diagnoses the condition to be treated, personally authorizes the procedure and before dismissal of the patient, evaluates the performance of the auxiliary.

2. "General supervision" means the dentist has authorized the procedures and they are being carried out in accordance with his diagnosis and treatment plan.

3. "Indirect supervision" means the dentist is in the office, authorizes the procedures and remains in the office while the procedures are being performed by the auxiliary.

4. "Personal supervision" means the dentist is personally operating on a patient and authorizes the auxiliary to aid his treatment by concurrently performing supportive procedures.

DE 3 Meetings.

A. The Board shall hold at least two regular meetings each year. It may hold special meetings at such other times as may be necessary and as it may determine. Meetings conducted by the Board shall be open to the public except that those for the purpose of investigating and adjudicating charges against persons licensed or registered by the Board shall be closed to public attendance unless the person or persons under investigation request that such meetings be open to the public.

B. A majority of the members of the Board shall constitute a quorum for the conduct of business. When not otherwise provided, Sturgis Standard Code of Parliamentary Procedure shall govern the conduct of all business meetings of the Board.

DE 4 Officers. The officers of the Board shall consist of a President, a Vice-President, and a Secretary-Treasurer, as provided in § 150A.03, subd. 1, of the Act. Election of officers may be held at any regular or special meeting.

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

DE 5 Fees.

A. Examination fees. Each applicant for licensure as a dentist or dental hygienist or for registration as a registered dental assistant shall submit with his license or registration examination application a fee in the following amounts:

1. Dentist applicant — \$50.00.
2. Dental hygienist applicant — \$20.00.
3. Dental assistant applicant — \$15.00.

B. Initial registration renewal fee. Each registrant who is registered by the Board as of the effective date of this rule shall submit with his initial registration renewal application as prescribed in DE 13 a fee in the amount of \$15.00. The fee for a subsequent registration renewal shall be as prescribed in section C. of this rule.

C. Annual license or registration fees. Each dentist, hygienist and registered dental assistant shall submit with his annual license or registration renewal application a fee in the following amounts:

1. Dentist — \$28.00.
2. Hygienist — \$12.00.
3. Registered dental assistant — \$8.00.

D. Licensure by credential approval. Each applicant for licensure as a dentist or dental hygienist by credential approval pursuant to § 150A.16 subd. 4 (reciprocity) of the Act and DE 22 C. and 26 B. shall submit with his license application a fee in the following amounts:

1. Dentist — \$50.00.
2. Dental hygienist — \$20.00.

E. Duplicate license or registration fee. Each licensee or registrant shall submit with his request for issuance of a duplicate of his original license or registration or of his annual renewal thereof a fee in the amount of \$5.00.

F. Reinstatement fee. No dentist, hygienist, or registered dental assistant whose license or registration has been suspended or revoked shall have his license or registration reinstated or a new license or registration issued until he has submitted to the Board a fee in the following amount:

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1. Dentist — \$50.00.
2. Hygienist — \$20.00.
3. Dental assistant — \$15.00.

G. No fee shall be refunded for any reason except in those cases where the applicant for licensure or registration is found to be ineligible to take the examination.

DE 6 – 10. Reserved for future use.

Chapter Two: Applications for Licensure, Registration and Annual Renewal Thereof

DE 11 Applications to practice dentistry. Any person desiring licensure to practice dentistry within the State of Minnesota must first present to the Board an application and credentials, as prescribed by the Act, and shall conform to the following rules of the Board:

A. An application on a form furnished by the Board must be completely filled out.

B. The applicant shall furnish satisfactory evidence of having graduated from a school of dentistry which has been accredited by the Commission on Accreditation.

C. The applicant must furnish certification of having passed all parts of the national board examination.

D. The Board may accept the results of the examination given by the Central Regional Dental Testing Service to determine clinical skills for licensure in Minnesota.

E. Graduates of dental schools not accredited by the Commission on Accreditation shall furnish the following information to the Board:

1. applicants must show evidence of training equivalent to the requirements of the Commission on Accreditation.

2. Applicants must furnish the Board with the following notarized credentials in English translation:

a. Diploma or evidence of graduation from dental school

b. evidence of being licensed or admitted to practice in the country of graduation

c. complete transcript of all academic grades in dental school with courses completed, along with pre-dental school transcripts

d. birth certificates (or equivalent).

3. After successful completion of steps 1 and 2, the Board may then certify the applicant as eligible to take a national board examination.

4. Upon the evidence of passage of a national board examination, applicants of dental schools not accredited by the Commission on Accreditation must complete such testing procedures and clinical training in the School of Dentistry, University of Minnesota, or its equivalent, as the Board may prescribe in order to establish that the knowledge, skill and competence of the applicant to practice dentistry is equivalent in all respects to that of a graduate of a dental school accredited by the Commission on Accreditation and approved by the Board.

5. Upon completion of steps 1., 2., 3., and 4., the applicant may make application to the Board to take the examination for licensure.

F. For identification purposes, the applicant shall furnish one notarized unmounted passport [size] **type** photograph, 3" × 3", taken not more than [12] **six (6)** months before the date of application.

[(g) The fee established by the Board shall accompany the application. The fee will be refunded to those applicants who are found to be ineligible to take the examination.]

G. The applicant shall furnish a testimonial of good moral character by an authorized representative of the dental school from which the applicant graduated. If he is a member of a dental society, he shall furnish the recommendation of the president or secretary of the society, and certification by the secretary of the Board of Dental Examiners of the State in which he is licensed. Provided, however, the Board may in its discretion and for good cause waive the certification of good moral character by an authorized representative of the dental school.

[Nothing contained herein shall be construed to limit the Board's authority to seek from an applicant such other information pertinent to the character, education and experience of the applicant as it may deem necessary in order to pass upon the applicant's qualifications.]

[DE 12 Verification of application. Every applicant shall sign his application and shall swear to the truth of the statements contained therein before a notary public or other person authorized by law to administer oaths.]

DE 12 Application to practice dental hygiene. Any person desiring licensure to practice dental hygiene must present an application and credentials as prescribed by the Act and shall conform to the following rules of the Board:

A. An application on a form furnished by the Board must be completely filled out.

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B. Applicants must furnish certification that they have passed the National Board examination.

C. The Board may accept the results of the examination given by the Central Regional Dental Testing Service to determine clinical skills for licensure in Minnesota.

D. The applicant shall furnish satisfactory evidence of having been granted a diploma or certificate in dental hygiene from a school which has been accredited by the Commission on Accreditation.

E. For identification purposes, the applicant shall furnish one notarized unmounted passport [size] type photograph, 3" x 3", taken not more than six (6) months before the date of the application.

[(f) A fee established by the Board shall accompany the application.]

F. The applicant shall furnish evidence of good moral character satisfactory to the Board.

DE 13 Application for registration as a registered dental assistant. Any person desiring to be registered as a dental assistant shall submit to the Board an application and credentials as prescribed by the Act and shall conform to the following rules:

A. An application on a form furnished by the Board shall be completely filled out in order to be considered.

B. The applicant shall furnish a certified copy or its equivalent of a diploma or certificate of satisfactory completion of a training program approved by the Commission on Accreditation or other program which in the judgment of the Board is equivalent. If the curriculum of the training program does not include training in the expanded duties specified in DE 31 and 32 A, the applicant must successfully complete a course in these functions which has been approved by the Board.

C. Submission of evidence of satisfactorily passing the Minnesota Registration Examination approved by the Board.

D. For identification purposes, the applicant shall furnish one notarized unmounted passport type photograph, 3" x 3", taken not more than six (6) months before the date of the application.

E. The applicant shall furnish evidence of good moral character satisfactory to the Board.

DE 14 [Rejection of incomplete application.] Requirements for all applications.

A. Incomplete applications shall be returned to the applicant with the tendered fee, together with a statement setting forth the reason for such rejection.

B. Every applicant shall sign his application and shall swear to the truth of the statements contained therein before a notary public or other person authorized by law to administer oaths.

C. Nothing contained in these rules shall be construed to limit the Board's authority to seek from an applicant such other information pertinent to the character, education, and experience of the applicant in so far as it relates to the applicant's ability to practice as a licensee or registrant as the Board may deem necessary in order to pass upon the applicant's qualifications.

DE 15 Expiration of license and registration and renewal thereof. Any person already registered by the Board as of the effective date of this rule shall submit to the Board no later than December 31, 1976, or within one (1) month after the effective date of this rule, whichever occurs last, an initial registration renewal application as prescribed below together with the fee prescribed in DE 5 B. Each dentist and hygienist and each registered dental assistant, except as modified by the immediately preceding sentence, shall submit an application for renewal of his license or registration together with the necessary fee no later than January 1 of the year for which the license or registration renewal is requested. The application form shall provide a place for the renewal applicant's signature and solicit information to include but not be limited to the applicant's office address or addresses, the number of his license or registration certificate, whether such licensee or registrant has been engaged during the year preceding the year for which renewed licensure or registration is sought in the active practice of dentistry or dental hygiene or has worked as a registered dental assistant, and if so, whether within or without the state, and such other information which may be reasonably requested by the Board.

DE 16 - 20. Reserved for future use.

Chapter Three: Examinations

DE 21 Written examination procedure[,]: Dentists, hygienists, and registered dental assistants. The following rules [and regulations] govern the conduct of

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examination[,] given to those applicants for licensure as a dentist or hygienist or for registration as a registered dental assistant and must be strictly adhered to throughout the entire examination. An examinee who violates any of the rules, regulations or instructions applicable may be declared by the Board to have failed the examination.

A. The Board may employ qualified persons to serve as proctors to assist members in the conduct of the examination.

B. The Board shall assign each applicant a number, and said applicant shall be known by that number throughout the entire examination.

C. The ability of an examinee to read and interpret instructions and examination material is a part of the examination.

D. Any examinee who gives or receives assistance in any portion of the examination may be dismissed from the examination.

E. An examinee shall not leave the examination room without permission of an examiner or proctor.

F. Notes, textbooks, or other informative data shall not be brought to the examination rooms.

G. An examinee shall not alter questions or write explanations to answers on the examination paper.

H. Copying of examination questions is forbidden.

I. Question sheets must be returned with the answer sheets.

J. An examinee shall occupy the space assigned throughout the entire examination.

K. When finished writing during an assigned period, the examinee shall turn in the complete papers to an examiner or proctor and leave the room.

L. Under no circumstances shall an examination paper be returned to an examinee once it has been submitted as in paragraph K above.

M. No persons other than those directly connected with the examination shall be admitted to the examination rooms.

DE 22 Scope of clinical examinations[.]: Dentists, hygienists, and registered dental assistants applicants. Every dentist and hygienist applicant shall give a demonstration of skill in those operations appropriate for his level of licensure or registration prescribed by the Board. Registered dental assistant applicants may also be so

examined. All operations shall be performed in the presence of a Board member qualified for the particular examination being given or consultant appointed by the Board for that purpose.

DE 23 Scope of written examination, dentists.

A. The Act provides that the examination of applicants for a license to practice dentistry in this state, shall be sufficiently thorough to test the fitness of the applicant to practice dentistry. Each applicant must pass a national board examination. Additional written theoretical examinations may be administered by the Board for licensure.

B. All applicants shall be examined for general knowledge of the Act, the Rules and Regulations of the Board and the Minnesota Professional Corporations Act.

C. At the discretion of the Board, any dentist who has lawfully practiced dentistry in another state for five years may be exempted from taking a national board examination.

D. The Board may administer any other examination it deems necessary to determine qualification for continued licensure.

DE 24 Oral diagnosis and treatment planning, dentists. All dentist applicants [Applicants] may be examined in oral diagnosis and treatment planning. Such examination shall be formulated to test the applicant's ability to recognize and institute treatment of common oral pathologic conditions as well as to test his knowledge, understanding, and judgment relative to all types of dental health service.

Former DE 25 is repealed.

DE 25 Scope of written examination, hygienists.

A. The Act provides that the examination of applicants for a license to practice dental hygiene in this state shall be sufficiently thorough to test the fitness of the applicant to practice dental hygiene. Each applicant must pass a national board examination. Additional written theoretical examinations may be administered by the Board.

B. At the discretion of the Board, any hygienists duly licensed to practice as such in another state which has and maintains laws regulating the practice of dental hygiene by dental hygienists, equivalent to this state's, who is of good moral character and is desirous of moving to this state and presents a certificate from the examining board of the state in which the applicant is licensed so certifying, may be exempted from taking a national board examination provided the applicant has been licensed five or more years.

C. All applicants shall be examined for general knowledge of the Act and the Rules and Regulations of the Board.

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D. The Board may administer any other examination it deems necessary to determine qualifications for continued licensure.

DE 26 Scope of written examination, registered dental assistant applicants.

A. The Act provides that the examination of applicants for registration as dental assistants in this state shall be sufficiently thorough to test the fitness of the candidate to practice the skills that a registered dental assistant is authorized to perform. All applicants must pass a registration examination approved by the Board.

B. All candidates shall be examined for general knowledge of the Act and the Rules of the Board.

C. The Board may administer any other examination it deems necessary to determine qualifications for continued registration.

Former DE 27 is repealed.

DE 27 – 30. Reserved for future use.

Chapter Four: Auxiliary Personnel

Former DE 31 is repealed.

DE 31 Assistants. Assistants may:

A. [retract] **Retract** a patient's cheek, tongue or other parts of tissue during a dental operation; assist with the placement or removal of a rubber dam and accessories used for its placement and retention; as directed by an operating dentist during the course of a dental operation; remove such debris as is normally created or accumulated during the course of treatment being rendered by a licensed dentist during or after operative procedures by the dentist by the use of vacuum devices, compressed air, mouth wash and water; provide any assistance, including the placement of articles and topical medication in a patient's oral cavity in response to a specific direction to do so by a licensed dentist who is then and there actually engaged in performing a dental operation as defined in the Act and who is then actually in a position to give [direct] **personal** supervision to the rendition of such assistance. In addition, assistants may aid dental hygienists and registered assistants in the performance of their duties as defined in DE 32 B and DE 34.

B. [perform] **Perform** all those duties not directly related with performing dental treatment or services on patients.

C. **No assistant may perform any other dental treatment or procedure on patients not otherwise authorized by these rules.**

DE 32 [Registered dental assistants.] **Registered dental assistants.**

A. Registered dental assistants in addition to services performed by the assistant may:

1. [take] **Take** radiographs;
2. [take] **Take** impressions for study casts and opposing casts for fixed partial denture prosthesis;
3. [apply] **Apply** topical medications and cavity varnishes prescribed by dentists, not to include pit and fissure sealants;
4. [place] **Place** rubber dam;
5. [remove] **Remove** excess cement from inlays, crowns, bridges and orthodontic bands with hand instruments only;
6. [give a] **Perform** mechanical polishing to clinical crowns only and not to include any instrumentation. Prior examination and instrumentation must be done by the dentist or hygienist;
7. [pre-select] **Pre-select** orthodontic bands;
8. [remove] **Remove** and replace ligature ties on orthodontic appliances;
9. [remove] **Remove** periodontal packs;
10. [remove] **Remove** sutures; and
11. **Monitor a patient who has been inducted by a dentist into nitrous oxide-oxygen relative analgesia.**

B. A dental assistant, who by virtue of academic achievement which is equal to or greater than that of a registered assistant, is currently registered or licensed in Minnesota in related health profession may, at the Board's discretion, be permitted to take dental radiographs after successful completion of an approved course. Such permission shall not be granted until such dental assistant shall have filed with the Board an application for permission, along with proof of successful completion of such course and proof of current Minnesota licensure or registration in an allied health profession.

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In categories **A and B** [and (c)], the licensed dentist must be physically present with in the confines of his office and exercising [direct] **indirect** supervision.

C. No **registered dental** assistant, [whether registered or not,] may perform any other dental treatment or procedure on patients not otherwise authorized by these **rules** [regulations].

DE 33 Display of certificate of registered dental assistant. In each office in which there is employed a registered dental assistant there shall be prominently displayed the certificate of registration of said registered dental assistant.

DE 34 Dental hygienists. Dental hygienists may perform:

A. all services permitted under DE 32

B. complete prophylaxis to include scaling, root planing, soft tissue curettage, polishing of fillings, and placement of a temporary cement material to replace lost restorations.

C. preliminary examination of the oral cavity and surrounding structures to include case histories, periodontal examination and recording of clinical findings; this does not infer the making of a diagnosis.

D. dietary analysis, salivary analysis and preparation of smears for dental health purposes.

E. placement and changing of periodontal packs if the dentist is present.

F. application of pit and fissure sealants.

G. procedures **A., B., C.,** and **D.** may be carried out whether or not a dentist is present or supervising, but acting under his direction. Examination and diagnosis must be accomplished only by the dentist.

DE 35 Dental technicians. As prescribed by § 150A.10, subdiv. 3 of the Act, dental technicians may only upon a written authorization prepared and signed by a licensed dentist, construct, alter, repair, reline, reproduce, or duplicate any prosthetic device or other structure to be used in the human mouth.

A. A dentist may not use the services of a technician without written authorization, and a carbon copy thereof shall be on printed forms and shall include:

1. the date and city where the authorization was issued.

2. the name of the laboratory or technician to whom the authorization was issued.

3. the name of the patient, or an identifying symbol.

4. a description of the work authorized.

5. the signature of the dentist in his actual handwriting.

6. the dentist's license number issued to him by the Board.

B. A duplicate copy of each such written authorization issued by the dentist shall be retained by the dentist for not less than two years.

C. The original of each written authorization issued shall be retained by the technician or dental laboratory to whom it was issued for not less than two years.

D. The Board or its agents may inspect the original and the duplicate copy of all written authorizations retained by either the dentist issuing the same, or the technician or dental laboratory to whom it was issued.

E. The Board or its agents may inspect any devices being fabricated by a technician or dental laboratory, as well as the casts, impressions, interocclusal records, other materials sent to the technician or dental laboratory by the dentist, and the written authorization accompanying the same.

DE 36 Unlawful practice by auxiliary personnel. Any assistant, hygienist, or dental technician who assists a dentist in practicing dentistry in any capacity other than as an employee or independent contractor, or who directly or indirectly procures a licensed dentist to act as nominal owner, proprietor, or director of a dental office as a guise or subterfuge to enable such assistant, hygienist, or dental technician to engage directly in acts defined by the Act as the practice of dentistry, or who performs dental services within the meaning of § 150A.11, subd. 1, of the Act for members of the public, other than as an employee or independent contractor for an employing dentist shall be deemed to be practicing dentistry without a license.

DE 37 Responsibilities of licensed dentists. Nothing contained in these rules relating to the scope of services rendered by assistants, technicians, or hygienists shall diminish or abrogate the professional and legal responsibilities of employing dentists to their patients, to their profession, and to the State of Minnesota. Dentists employing assistants, technicians, or hygienists shall be fully responsible for all acts or omissions of such personnel performed or omitted if within the normal scope of their employment; i.e., acts or omissions of such personnel whether or not omitted or committed by such personnel at the instance and request of the employing dentist if the omission or commission thereof is within the normal scope of their employment.

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DE 38-40 Reserved for future use.

Chapter Five: Suspension or Revocation of Licenses [of Dentists] and [Dental Hygienists] Registrations

DE 41 Grounds. In general terms, the grounds for suspension or revocation of licenses of dentists and dental hygienists and of the registration of dental assistants are set forth in § 150A.08, subd. 1 of the Act.

DE 42 Definition of conduct unbecoming a [person licensed to practice dentistry or dental hygiene] licensee or registrant or contrary to the best interests of the public[, defined]. "Conduct unbecoming a person licensed to practice dentistry or dental hygiene or registered as a dental assistant or conduct contrary to the best interests of the public" as used in § 150A.08, subd. 1(5) of the Act shall include:

A. The act of a dentist, hygienist, or registered dental assistant in:

1. [engaging] **Engaging** in personal conduct which brings discredit to the profession of dentistry.
2. [gross] **Gross** ignorance or incompetence in the practice of dentistry **and/or repeated performance of dental treatment which fall below accepted standards.**
3. [making] **Making** suggestive, lewd, lascivious or improper advances to a patient.
4. [charging] **Charging** a patient an unconscionable fee or charging for services not rendered (**applicable to dentists only**).
5. [performing] **Performing** unnecessary services.
6. **Performing services not authorized by the dentist, the Act, or these rules (applicable to hygienist or registered dental assistants only).**
7. [accepting] **Accepting** rebates, split fees, or, **applicable to dentists only**, commissions from any source associated with the service rendered to a patient; provided, however, that the sharing of profits in a dental partnership or association, or dental professional corporation approved by and registered with the Board, shall not be construed as splitting fees nor shall compensating dental auxiliaries on the basis of a percentage of the fee received for the overall service be deemed accepting a commission.

8. **Falsifying records relating to:**
 - a. **Payment for services rendered;**
 - b. **Participation in a CDE course; or**
 - c. **Other records with respect to licensure, registration, CDE, and the practice of dentistry.**

9. **Perpetrating fraud upon patients, third party payers, or others relating to the practice of dentistry.**

B. The indiscriminate and repeated prescribing or dispensing of any drug which, under the circumstances has no therapeutic value.

C. The failure to maintain adequate safety and sanitary conditions for a dental office. The following are minimum safety and sanitary conditions:

1. Premises. The premises shall be kept neat and clean, and free of accumulations of rubbish, ponded water, or other conditions of similar nature which would have a tendency to create a public health nuisance.
2. Housekeeping facilities and services. Housekeeping facilities and services necessary to assure comfortable and sanitary conditions for patients and employees shall be utilized.
3. Control of insects, rodents, etc. The premises shall be kept free of ants, flies, roaches, rodents and other insects or vermin. Proper methods for their eradication or control shall be utilized.
4. Refuse disposal. Refuse shall be kept in approved containers and emptied at frequent intervals.
5. Heating, lighting and other service equipment. The heating of offices shall be by heating systems conforming to State and local heating codes and regulations. Individual room heaters shall be so located as to avoid direct contact with any combustible material. Installation and maintenance of electric wiring, motors, and other electrical equipment shall be in accordance with applicable State and local electric codes and regulations.
6. Water supply. An ample supply of water of a safe, sanitary quality, from a source that is approved by the local health officer, shall be piped under pressure, and in an approved manner, to all equipment and fixtures where the use of water is required.

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7. Plumbing. Plumbing shall be in accordance with all applicable plumbing codes. Adequate hand washing facilities, of an approved type, shall be provided convenient to the work area. Hand washing facilities shall be equipped with soap and towels, and the drain from such facility shall be properly trapped and connected directly to the waste disposal system.

8. Disposal of liquid and human waste. All liquid and human waste, including floor wash water, shall be disposed of through trap drains into a public sanitary sewer system in localities where such a system is available. In localities where a public sanitary sewer system is not available, liquid and human waste shall be disposed of through trapped drains and in a manner approved by the local health officer.

9. Clean rooms. Floors, walls and ceilings of all rooms, including store rooms shall be clean and free of any accumulation of rubbish.

10. Sterilizers and sterilization. Every dental office shall be equipped with adequate sterilizing facilities for instruments and supplies. Sterilization procedures shall be adequately and regularly employed.

DE 43 Employing, assisting, or enabling in any manner an unlicensed person to practice dentistry, defined.

A. The phrase "employing, assisting, or enabling in any manner an unlicensed person to practice dentistry" as found in § 150A.08, subd. 1(9) of the Act shall include the practice by a licensed dentist in the same premises occupied by a dental laboratory or technician if such dental laboratory or technician advertises, solicits, represents, or holds itself out in any manner to the general public that it will sell, supply, furnish, construct, repair or alter prosthodontic, orthodontic, or other devices or structures to be used as substitutes for, or as a part of natural teeth or jaws or associated structures or for correction of mal-occlusions or deformities, or who in any way violates the provisions of § 150A.11, subd. 3, of the Act.

B. "In the same premises" as used in subsection (a) above shall mean public facilities used in common, such as office door, reception room, receptionist, files, telephone, telephone number, address, post office box, etc.

C. Permitting persons to perform services for which they have not been registered or licensed.

DE 44 Practice of dentistry under any name except the licensee's own proper name.

A. The use of the words, "clinic", "institute", or any other title that may suggest a public or semi-private activity, or teaching institution or that could be interpreted to imply

superiority over other dental practitioners, shall constitute the unlawful practice of dentistry by an individual or under the name of a corporation, company, association, or trade name, as those terms are used in § 150A.11, subd. 1 of the Act and shall be grounds for discipline under 150A.08, subd. 1.

B. The title on a building wherein one or more dentists practice shall be used as an address only.

DE 45 Professional advertising. There shall be no public advertising by dentists other than as provided for herein. Dentists shall be permitted to insert a professional card in the local press, in programs and in yearbooks, providing that such professional card shall contain the name of the dentist and his title or degree using the abbreviation "D.D.S." or "D.M.D." only. Institutional advertising promoting dentistry generally, by dental associations and groups is encouraged and approved, provided individual dentists are not advertised therein. A dentist shall be permitted to use signs to advertise his name, the fact that he is engaged in the practice of dentistry, the location of his office and his office hours. These signs shall be limited to a total area of not more than six hundred (600) square inches and shall not contain letters more than seven (7) inches in height. Such signs shall not be specially luminated or have other attention-getting properties or characteristics. No sign shall be permitted to hang over or beyond the edge of the public thoroughfare. Within thirty (30) days immediately following the opening of an office, changing locations, association or type of practice, announcement cards may be mailed to bona fide patients and members of the health science professions and placed in the local press for not more than two consecutive issues, but such cards shall not be greater in size than eight column inches nor more than two columns in width and four inches in depth. Such announcement cards shall state only the dentist's name, degree or any specialty as recognized by the Board, office location, telephone number and office hours. Professional cards shall not be greater in size than two inches by three and one-half inches and shall include only the dentist's name, degree, or any specialty, office location, telephone number and office hours. Residence telephone number may be included. All directory listings shall be consistent in style and text with the custom of dentists of the community. A dentist may permit one listing of his name in the alphabetical and may permit only listing of his name in the commercial section of the telephone directory. A dentist may permit one listing of his name in other directories provided that all dentists in similar circumstances have access to the same listing. Such listing shall be limited to the dentist's name, dental degree, "D.D.S." or "D.M.D." using the abbreviation only, any specialty to which the dentist confines his practice exclusively, office location, residence and office telephone numbers, residence address, and hours during which the telephone will be answered.

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DE 46 Display of name and certificates.

A. Every licensed dentist or dental hygienist shall post and keep conspicuously displayed his name, license certificate and annual registration certificate in every office where he practices, in plain sight of his patients, and if there is more than one dentist or dental hygienist practicing or employed in any office, the manager or proprietor of such office shall post and display or cause to be posted and displayed, in like manner, the name, license certificate and annual registration certificate of each dentist or dental hygienist so practicing or employed therein. In addition, there shall be posted or displayed near or upon the entrance door to every office wherein dentistry is practiced, the name of each and every dentist practicing therein and such names shall be the name of the person inscribed upon the license certificate and annual registration certificate of each dentist.

B. Every licensed dentist, upon changing his place of business shall, within ten days thereafter, furnish the secretary-treasurer of the Board with his new address. A practicing dentist shall inform the Board of his office address(es).

DE 47-50 Reserved for future use.

Chapter Six: Continuing Dental Education

DE 51 Continuing dental education.

[(a) Section 150A.09, subdivision 2 of the Act requires the Board to set standards for continuing education in dentistry for licensed dentists and hygienists, and requires that evidence of compliance with those standards be furnished to the Board.]

A. Each licensee and registrant shall each year provide the Board evidence on forms provided by it* that such person has attended or participated in CDE as required by this chapter.

B. [The Board hereby fixes the] **The** minimum number of hours of approved [continuing education in dentistry at 75 hours] **CDE** for each five years [for dentists and 40 hours each five years for hygienists.] **shall be:**

*Note of explanation. At the present time the Board cooperates with and is part of the Registry which provides a centralized record-keeping system using computer facilities. Thus, the forms provided by the Board for reporting participation in CDE courses are computer cards sent to each licensee and registrant by the Board through the Registry. See DE 52 E and 55 D for rule provisions relating to reporting.

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1. For dentists — 75 hours,

2. For hygienists — 40 hours, and

3. For registered dental assistants — 25 hours.

[(c) The various educational activities listed in § 150A.09, subd. 2(1) and (2) of the Act shall be eligible for approval. The Board may also approve other activities not so listed.]

[(1) Persons or organizations sponsoring or offering such educational activities apply to the Board in advance for approval and shall supply all information which the Board may reasonably require for the purposes of evaluating the activity for which approval is sought. The Board may use as consultants a committee appointed for such evaluation.]

[(2) Dentists or hygienists may also apply individually for approval of educational activities for which they deem to be in compliance with the Act and which are not already approved or are conducted outside the State of Minnesota.]

[(3) The Board after evaluating the information submitted, shall fix the number of hours of continuing education credit for each activity approved by it. The Board's approval and the hours of credit fixed by the Board shall be announced to all persons participating in or attending such activity.]

[(4) The Board may issue retroactive approval of educational activities conducted after June 6, 1974, but prior to promulgation of this Rule, upon proper application.]

[(5) The anniversary date for computing continuing education credits will be June 30th.]

C. The five years cycles shall be established as follows:

1. Each person licensed prior to the effective date of this chapter shall remain within the five year time cycle already assigned to him under Minn. Stat. § 150A.09, subd. 2 (1974).

2. Each person registered on or before June 30, 1977, shall commence the first five year cycle on July 1, 1977.

3. Each person initially licensed after the effective date of this chapter and each person initially registered after June 30, 1977, shall commence the first five year

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cycle on July 1 following the date of initial licensure or registration.

[(d) The Board may prescribe standard forms for attesting the attendance at, and satisfactory completion of, approved educational activities. Falsification of any evidence of participation in an educational activity constitutes conduct unbecoming a person licensed to practice dentistry or dental hygiene and shall be grounds for suspension or revocation of licensure under Section 150A.08, subdivision 1(5) of the Act.]

D. The anniversary date for completing CDE credits shall be June 30.

DE 52 Approval of sponsors; revocation of approval; sponsor responsibilities. The Board adopts a sponsor approval CDE system except as provided for in DE 53.

A. The procedure for applying for approval as a sponsor of CDE courses shall be as follows:

1. Persons or organizations intending to offer courses for CDE credit shall apply to the Board in advance for approval and shall supply all information specified in DE 52 B as well as any other information which the Board may reasonably require consistent with the purposes of this chapter. The Board may use as consultants a committee appointed for such evaluation.

2. The following information shall be submitted to the Board by an applicant:

a. The name and address of the applicant.

b. The name of the person associated with the applicant responsible for the application.

c. The names and addresses of the officers of the applicant.

d. A description of the types of courses which the applicant plans to sponsor.

e. A statement as to the applicant's policy with respect to the qualifications of speakers, lecturers and others making presentations.

B. The Board shall approve as a sponsor those applicants which meet the following standards:

1. The applicant is formally organized as a corporation (for profit or not for profit), partnership, or other formal association and has as one of its principal purposes the sponsoring of CDE courses.

2. The proposed types of courses to be sponsored shall have significant intellectual or practical content

which deals primarily with matters directly related to the practice of dentistry or auxiliary functions or with the professional responsibility or ethical obligations of licensees or registrants.

3. The applicant shall permit only those who are qualified by practical or academic experience to teach, speak, lecture, or make presentations at CDE course sponsored by it.

C. The Board shall state in writing its reasons for denying any sponsor application.

D. Each sponsor, at least once during each CDE course sponsored by it, shall announce to all participants that in order to receive CDE credit that they submit to the sponsor a computer card supplied by the Board through the Registry within two weeks of completion of the course. The sponsor shall submit all computer cards to the Registry within three weeks after completion of the course.

E. Sponsors shall submit the information required by DE 32 A. 2. annually.

F. The Board may revoke its approval of any sponsor for failure to comply with provisions of DE 52 B., 52 D., 52 E., and 54, for falsification of any information requested or required by the Board relating to the application for approval as a sponsor or to the administration of courses of a sponsor, or for other just cause.

G. The Board may deny approval of a specific course offered by an approved sponsor if such a course does not meet the standards of courses as specified by DE 53 C.

DE 53 Approval of courses.

A. Licensees or registrants may apply individually for approval of CDE courses which are sponsored by organizations which have not applied and been approved as sponsors pursuant to DE 52. Information as specified in DE 53 B. as well as any other information which the Board may reasonably require for the purposes of evaluating the course for which approval is sought shall be submitted to the Board. The Board may use as consultants a committee appointed for such evaluation.

B. The following information, along with the form supplied by the Board for reporting participation in CDE Courses with the back side of it completed, shall be submitted to the Board by a licensee or registrant:

1. The name and address of the organization sponsoring the course for which credit is requested.

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2. The name and address of the person in the sponsoring organization with which the Board may correspond with respect to the course for which credit is requested.

3. A detailed description of the content of the course.

4. The name of each instructor or person making a presentation and his credentials.

5. The location including the name and address of the facility at which the course will be conducted.

C. The Board shall grant CDE credit for any course which meets the following standards:

1. The course shall have significant intellectual or practical content dealing primarily with matter directly related to the practice of dentistry or auxiliary functions or to the professional responsibility or ethical obligations of the participants.

2. Each person making a CDE course presentation shall be qualified by practical or academic experience to teach the subjects he covers.

3. Participants shall attend courses in a classroom, laboratory or setting suitable for the course. Video, motion picture or sound tape presentations may be used provided a qualified person is present to verify attendance.

D. No course will be approved which involves TV viewing in the home, correspondence work, or self-study only.

E. Ordinarily credit will not be given for speeches given at luncheons or banquets.

F. The Board shall state in writing its reasons for denying any application for approval of a course for CDE credit hours.

DE 54 Failure to comply with CDE requirement; reinstatement.

A. Licensees or registrants who fail to comply with the CDE requirement of this chapter may nonetheless avoid disciplinary action under Minn. Stat. § 150A.08, subd. 1(10) (1974), as amended by Laws of 1976, ch. 263, § 6 and qualify for relicensure if they successfully

complete part II of the National Board examination for dentists or an examination approved by the Board for hygienists or registrants.

B. Any licensee or registrant who has his license or registration suspended (pursuant to Minn. Stat. § 150A.08, subd. 1(10) (1974), as amended by Laws of 1976, ch. 263, § 6) for failure to comply with the CDE requirement of this chapter may be reinstated if he successfully completes part II of the National Board examination for dentists or an examination approved by the Board for hygienists or registrants.

C. Any licensee or registrant who has his license or registration revoked (pursuant to Minn. Stat. § 150 A.08 subd. 1(10) (1974), as amended by Laws of 1976, ch. 263 § 6) for failure to comply with CDE requirement of this chapter may be relicensed or re-registered if he meets the reasonable conditions imposed by the Board, as in other revocation cases, to determine eligibility for licensure or registration.

DE 55 General provisions.

A. Sponsors may offer for and licensees and registrants may request continuing dental education for the following which shall also comply with the requirements of DE 52 B. and 53 C:

1. Lectures.

2. Study clubs.

3. College postgraduate courses.

4. Scientific sessions of conventions.

5. Research.

6. Graduate study.

7. Course presentation made on behalf of an approved sponsor.

8. Home study with a testing mechanism supplied by the sponsor. (In order to receive CDE credit, the licensee or registrant must successfully complete and pass the test.)

B. The Board may also approve other forms of CDE if the approval standards as specified in DE 52 B. and 53 C. are met. Examples of such other forms of CDE are:

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1. Successfully passing part II of the National Board examination for dentists if taken five or more years after graduation. (This will fulfill the five year requirement for dentists.)

2. Satisfactory completion of an advanced education program such as an internship or residency accredited by the American Dental Association Commission on Accreditation and approved by the Board. (Such programs will fulfill the five year requirement for dentists.)

3. Successfully passing the National Board examination for dental hygiene if taken five or more years after graduation. (This will fulfill the five year requirement for hygienists.)

4. Satisfactory completion of an advanced education program approved by the Board. (This will fulfill the five year requirement for hygienists.)

5. Publication of articles or books. (CDE credit will be granted on an individual consideration basis.)

C. The Board, for courses approved pursuant to DE 53, after evaluating the information submitted, and sponsor shall fix the number of hours of CDE credit for each course based upon the following criteria:

1. Multiday convention type meetings such as state or national dental conventions or their equivalent shall be given five clock hours credit only.

2. Scientific or educational meetings or courses or similar offerings shall be credited on an hour for hour basis.

3. Home study with a testing mechanism shall be awarded hourly credit if the examination is successfully completed based upon a determination by the Board or sponsor of the reasonable amount of time necessary to cover the material and take the examination and not on the basis of the individual time taken to study or review the material.

4. Presentation of a course made on behalf of a sponsor shall be credited on an hour for hour basis.

D. Within two weeks after completing a course given by a sponsor approved pursuant to DE 52, the licensee or registrant shall fill out the form supplied by the Board for reporting participation in CDE courses and submit it to the sponsor. If a course is taken from a sponsor not approved by the Board under DE 52, CDE credit for that course will not be granted unless the licensee or registrant applies for course approval under DE 53 within two weeks after completion of the course. If course approval is granted, the Board shall send to the

Registry the completed form for reporting participation in CDE courses submitted by the licensee or registrant with his application for course approval. (See DE 53 B.). The Board, for failure of a licensee or registrant to comply with the time limits specified in this section, may refuse to grant CDE credit for the applicable course.

DE 56 – 60. Reserved for future use.

Chapter Seven: The Minnesota Professional Corporations Act

DE 61 Annual reports. Annual reports of professional corporations organized under the provisions of Minn. Stat. §§ 319A.01 to 319A.22, inclusive, shall be submitted upon forms furnished by the Board and shall require submission of the following information under oath:

A. Name and registered office of the corporation.

B. Address or addresses at which the corporation is providing dental services.

C. Name and address of each director, officer and shareholder.

D. A certification as to the licensure status of each shareholder, director, officer, employee and agent as required by § 319A.21(b).

E. A filing fee of \$100.00 for the first such annual report and a filing fee of \$25.00 for each such annual report thereafter.

DE 62 Issuance of certificate. The Board shall review its licensure records and conduct such further investigation as it may deem necessary, and if it finds that the annual report conforms to the requirements of the Minnesota Professional Corporations Act and the rules and regulations promulgated thereunder, it shall issue a Certificate of Registration to the applicant.

A. The Board may delegate the review and investigation of annual reports and the issuance of Certificates of Registration to the secretary-treasurer so that annual reports will be acted upon in a timely manner in the intervals between meetings of the full Board.

B. Any annual reports which are not approved by the secretary-treasurer shall be considered by the full Board at its first meeting following such disapproval.

DE 63 Names. The use of any name for a corporation other than the name or names of one or more of the participating dentists followed by the word "Chartered", "Limited",

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“Ltd.”, “Professional Association”, or “P.A.” is declared to be an unlawful attempt to imply superiority or quasi-public sponsorship in violation of § 319A.07 of the Minnesota Professional Corporations Act and DE 44.

DE 64 Admission of new shareholders or members. Whenever a professional corporation intends to admit to the corporation a new shareholder or member, the corporation shall, at least 20 days prior thereto, notify the Board in writing of its intended action, indicating the identity, licensure status, and residence address of such proposed new shareholder or member.

DE 65 Revocation of certificate of registration. The Board shall revoke (or if appropriate, refuse to renew) the Certificate of Registration of any corporation which no longer meets all the requirements of the Minnesota Professional Corporations Act. The corporation's eligibility to receive or to continue to hold a Certificate of Registration shall be adjudicated under the **applicable** provisions of [Chapter Eight of these Rules] **the Administrative Procedure Act (Minn. Stat. ch. 15) and the Rules of the Office of Hearing Examiners, HE 201 to 222.**

DE 66–70 Reserved for future use

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PROPOSED RULES

Department of Administration Building Code Division

Installation of Mobile Home Support and Tie-Down Systems

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in the Conference Room of the Building Code Division, 408 Metro Square Building, 7th and Robert Street, St. Paul, Minnesota, 55101, on November 30, 1976 commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted to Peter C. Erickson, Office of Hearing Examiners, 1745 University Avenue, St. Paul, Minnesota, 296-8100, either before the hearing or within 20 days after the close of the hearing.

The proposed rules, if adopted, would set forth rules for the installation of mobile home support and tie-down systems. These proposed rules are reprinted in part with permission from NFPA 501A "Standard for the Installation of Mobile Homes", Copyrighted 1975, National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts, 02210. These proposed rules were discussed at the Spring 1976 Installers' Seminars.

Copies of the proposed rules are now available and one free copy may be obtained by writing to the Building Code Division, 408 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota, 55101. Additional copies will be available at the door on the date of the hearing. The agency's authority to promulgate the proposed rules is contained in Minn. Stat. § 327.33, subd. 3 (1975). A "Statement of Need" explaining why the agency feels the proposed rules are necessary and a "Statement of Evidence" outlining the testimony they will be introducing will be filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that pursuant to Minn. Stat. § 10A.01, subd. 11 (1974) any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action,

such as the promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual.

Richard L. Brubacher
Commissioner of Administration

Rules as Proposed

MoH 103 Definitions. In addition to the definition contained herein, the definitions in ANSI A119.1 or NFPA 501B shall apply.

A. Accessory.

1. A subordinate structure which, when installed, becomes a part of a mobile home.
2. Components which constitute portions or parts of ground support and anchoring systems.

B. Agency, independent inspection. An organization, approved by the Commissioner, qualified to review and approve plans and specifications for mobile homes with respect to model, structural, electrical, mechanical and plumbing requirements and in addition evaluate quality control programs and make inspections.

C. Agency, listing. An agency approved by the Commissioner which is in the business of listing or labeling and which maintains a periodic inspection program on current production of listed products, and which makes available at least an annual published report of such listing in which specific information is included that the product has been tested to approved standards and found safe for use in a specified manner.

D. Agency, evaluation. An organization approved by the Commissioner which is qualified by reason of facilities, personnel, experience and demonstrated reliability to investigate and evaluate mobile homes.

E. Agency, testing. An organization which is:

1. Primarily interested in testing and evaluating equipment and installations;
2. Qualified and equipped for, or to observe experimental testing to approved standards;
3. Not under the jurisdiction or control of any manufacturer or supplier of any industry;
4. Makes available a published report in which specific information is included stating that the equipment

PROPOSED RULES

and installations listed or labeled have been tested and found safe for use in a specific manner; and

5. Approved by the Commissioner.

F. Alteration, construction. The replacement, addition, modification or removal of any equipment or installations which may affect the construction, plumbing, heat-producing or electrical system or the functioning thereof of mobile homes subject to the code.

G. Alteration, installation. The replacement, addition, modification or removal of any components of the ground support or ground anchoring systems required under the provisions of these rules.

H. Anchoring equipment. Straps, cables, turnbuckles, and chains, including tensioning devices, which are used with ties to secure a mobile home to ground anchors.

I. Anchoring system. A combination of ties, anchoring equipment, and ground anchors that will, when properly designed and installed, resist overturning and lateral movement of the mobile home from wind forces.

J. Approved. Means acceptable to the authority having jurisdiction.

K. Authority having jurisdiction. The Commissioner of Administration or his authorized representative.

L. Authorized representative. Authorized representative includes any person, firm or corporation, or employee thereof, approved or recognized by the Commissioner to perform inspection services.

M. Baling. Baling is a method of "wrapping" a cross section (roof, walls, and floor) and the main frame (chassis) of a mobile home with straps.

N. Code. Code means the standards code promulgated by the American National Standards Institute and identified as ANSI A119.1 or the provisions of the National Fire Protection Association and identified as NFPA 501B, including revisions adopted by the Commissioner.

O. Compliance certificate, construction. The certificate provided by the manufacturer or dealer or both the Commissioner and the owner which warrants that the mobile home complies with the code.

P. Compliance certificate, installation. The certificate provided by the installer or dealer to both the Commissioner and the owner which warrants that the mobile home complies with these rules.

Q. Commissioner. Commissioner means the Commissioner of Administration or his duly authorized representative.

R. Dealer. Dealer means any person, other than a manufacturer who sells three (3) or more mobile homes in any consecutive twelve (12) month period.

S. Diagonal tie. A tie intended to primarily resist horizontal or shear forces and which may secondarily resist vertical, uplift, and overturning forces.

T. Footer. That portion of the support system that transmits loads directly to the soil.

U. Ground anchor. Any device at the mobile home stand designed to transfer mobile home anchoring loads to the ground.

V. Installer. Mobile home installer means any person who, within any consecutive twelve (12) month period, installs for others three (3) mobile homes at site of occupancy by making necessary service connections or attaching support systems or ground anchoring systems.

W. Installation instruction. Those instructions provided by the manufacturer accompanying each mobile home detailing the manufacturer's requirements for ground supports and anchoring systems attachments.

X. Length of mobile homes. The distance measured from the extreme front to the extreme rear of a mobile home (excluding hitch, coupling, tongue and other attachments).

Y. Listed. Equipment or materials included in a list published by a nationally recognized testing laboratory that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or materials meet nationally recognized standards or has been tested and found suitable for use in a specified manner.

Z. Main frame. The structural component on which is mounted the body of the mobile home.

A₁. Manufacturer. A person who manufactures mobile homes.

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PROPOSED RULES

B₁. Mobile home. Mobile home means a factory-built structure or structures equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be a relocatable structure or structures used for any occupancy without a permanent foundation. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner.

C₁. Model-Group. Two or more manufacturer-designed mobile homes which constitute one model.

D₁. Person. This means a person, partnership, corporation or other legal entity.

E₁. Seal, construction. Seal means a device or insignia issued by the Commissioner to be displayed on the mobile home to evidence compliance with the code with respect to construction.

F₁. Seal, installation. Installation seal means a device or insignia issued by the Commissioner upon application supported by such evidence as the Commissioner deems necessary to establish that the installation seals will be affixed only to those mobile homes where support systems and ground anchoring systems comply with these Rules and the Code.

G₁. Stabilizing devices. All components of the anchoring and support systems such as piers, footers, ties, anchoring equipment, ground anchors and any other equipment which supports the mobile home and secures it to the ground.

H₁. Stabilizing system. A combination of the anchoring system and the support system when properly installed.

I₁. Support system. A combination of footers, piers, caps, and shims that will, when properly installed, support the mobile home.

J₁. Systems, construction. An arrangement or method of construction for structural, plumbing, heat-producing, and electrical installations in mobile homes subject to the code.

K₁. Systems, ground support and anchoring.

1. Support system means any device or combination thereof placed beneath a mobile home at the site of occupancy for the purpose of providing support.

2. Anchoring system means any device or combination thereof connected to a mobile home and designed for the purpose of securing the mobile home to the ground.

L₁. Tie. Strap, cable or securing device used to connect the mobile home to ground anchors.

M₁. Vertical tie. A tie intended to primarily resist the uplifting and overturning forces.

MoH 450 Stabilizing Systems for Mobile Homes.

A. Stabilizing devices. Stabilizing devices when installed at the site of occupancy shall comply with these rules.

1. **Manufacturer's installation instructions.** Each mobile home shall have its stabilizing system installed in accordance with the mobile home manufacturer's installation instructions. These instructions shall be left with the mobile home following installation.

a. **Footers shall be sized to support the loads shown in these instructions.**

b. **Stabilizing devices not provided with the mobile home shall meet or exceed the design and capacity requirements of the mobile home manufacturer and this standard and shall be installed in accordance with the mobile home manufacturer's installation instructions.**

2. **Stabilizing system design.** Mobile homes not provided with manufacturer's instructions for stabilizing devices and their installation for the zone in which the mobile home is to be installed shall be provided with anchoring and support systems designed by a registered professional engineer or architect or shall comply with the following requirements:

a. **Number, spacing, and location of anchoring ties.**

(1) **Number of ties.** The minimum number of ties per side for various lengths of mobile homes in hurricane and non-hurricane zones shall be in accordance with Table 450A.2.a(1).

(2) **Spacing of ties.** Ties shall be as evenly spaced as practicable along the length of the mobile home with not more than eight feet open-end spacing on each end.

(3) **Location of ties.** When continuous straps are provided as vertical ties, such ties shall be positioned at rafters and studs. Where a vertical tie and diagonal tie

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are located at the same place, both ties may be connected to a single ground anchor, provided that the anchor used is capable of carrying both loadings.

(4) **Special ties.** Clerestory roofs and add-on sections of expandable mobile homes shall have provisions for vertical ties at the exposed ends.

b. **Protection of ties and mobile home roofing and siding.** Protection shall be provided at sharp corners where the anchoring system requires the use of external cables or straps. Protection shall also be provided to minimize damage to roofing or siding by the cable or strap.

c. **Alternate method using strapping.** If the alternate method incorporating baling straps specified in Table A-1 is used, the baling straps shall be wrapped completely around the mobile home passing under the main steel frame, with both ends of each strap fastened together under tension. The straps shall be in accordance with MoH 450C. The method used to connect the ends of the strap shall not reduce the allowable working load and overload.

B. Support systems. Each mobile home shall have a support system as specified herein. A minimum clearance of 12 inches should be maintained beneath the underside of the main frame (I-beam or channel beam) in the area of utility connections.

1. **Mobile homes with installation instructions.** Individual footers and load-bearing piers or listed supports shall be sized and located to support the loads specified in the manufacturer's installation instructions to assure that the manufacturer's warranty remains valid.

2. **Mobile homes for which installation instructions are not available.** Unless the entire support system is designed by a registered professional engineer or architect, supports shall be spaced not more than 10 feet apart for mobile homes 12 feet wide or less, and not more than 8 feet apart for mobile homes over 12 feet wide, beginning from the front wall of the mobile home, with not more than 2 feet open-end spacing at the area of the main frame. Supports shall be installed directly under the main frame (or chassis) of the mobile home. Methods other than those specified herein may be approved by the authority having jurisdiction. Double wide mobile homes built with a conventional frame shall have additional supports placed under the center (mating) line at each end wall, and at the support col-

umns located at the sides of center wall openings eight feet in width or greater. The supports shall be constructed to withstand the weight calculated by multiplying one half the width of the opening (in feet) times one half the width of the home (in feet) multiplied by 35 pounds per square foot. (30 pounds snow load and 5 pound roof load).

3. **Footers.** The required load-bearing capacity of individual load-bearing supports and their footers shall be calculated at not less than a combined live and dead load of 55 PSF for the Middle Zone or 65 PSF for the North and Hurricane Zones. Footers shall be adequate in size to withstand the tributary live and dead loads of the mobilehome and any concentrated loads.

a. Footers shall be at least 16-inch by 16-inch by 4-inch solid concrete blocks or other product approved for the use intended. As an alternate, two 8-inch by 16-inch by 4-inch solid concrete blocks can be used as footers provided the joint between the blocks is parallel to the steel I-beam frame.

b. Footers or pier foundations, when required, shall be placed level on firm undisturbed soil or on controlled fill which is free of grass and organic materials, compacted to a minimum load-bearing capacity of 2,000 PSF (unless otherwise approved by a registered professional engineer). Where unusual soil conditions exist as determined by the authority having jurisdiction, footings shall be designed specifically for such conditions. **NOTE:** In areas subject to frost heave, see Paragraph F.1.

4. **Piers.** Piers or load-bearing supports or devices shall be designed and constructed to evenly distribute the loads. Piers shall be securely attached to the frame of the mobile home or shall extend at least 6 inches from the centerline of the frame member. Load-bearing supports or devices shall be listed and labeled, shall be designed by a Registered Professional Engineer or Architect, shall be approved for the use intended, or piers shall be constructed as follows:

a. Piers less than 40 inches in height shall be constructed of open or closed cell, 8-inch by 8-inch by 16-inch concrete blocks (with open cells vertically placed upon the footer). Single-stacked block piers shall be installed with the 16-inch dimension perpendicular to the main (I-beam) frame. The piers shall be covered with a two inch by eight inch by sixteen inch wood or concrete cap. (See Figure A-2).

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

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b. Subject to the limitations of MoH 450B.5., piers between 40 and 80 inches in height and all corner piers over three blocks high shall be double blocked with blocks interlocked and capped with a four inch by sixteen inch by sixteen inch solid concrete block, or equivalent. (See Figure A-3).

c. Subject to the limitations of B.5, piers over 80 inches in height shall be constructed as per B.4.b., and they shall be laid in concrete mortar and steel reinforcing bars inserted in block cells with the block cells filled with concrete. (See Figures A-4 and A-5).

5. Plates and shims. A cushion of wood plate not exceeding two inches in thickness and shims not exceeding one inch in thickness may be used to fill any gap between the top of the pier and the main frame. Two inch or four inch solid concrete blocks may be used to fill the remainder of any gap. Shims shall be at least four inches wide and six inches long and shall be fitted and driven tight between the wood plate or pier and main frame.

C. Anchoring equipment. Anchoring equipment, when installed, shall be capable of resisting an allowable working load equal to or exceeding 3,150 pounds and shall be capable of withstanding a 50 percent overload (4,725 pounds total) without failure of either the anchoring equipment or the attachment point on the mobile home. When the stabilizing system is designed by a qualified Registered Professional Engineer or Architect, alternative working loads may be used providing the anchoring equipment is capable of withstanding a 50 percent overload.

1. Resistance to weather deterioration. Anchoring equipment exposed to weathering shall have a resistance to weather deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 ounces per square foot on each side of the surface coated (0.0005 inches thick)¹ as determined by ASTM Standard Methods of Test for Weight of Coating on Zinc-coated (galvanized) Iron or Steel Articles (ASTM A90-69(1973)). NOTE: Slit or cut edges of zinc-coated steel strapping do not need to be zinc coated.

2. Permanency of connections. Anchoring equipment shall be designed to prevent self-disconnection when ties are slack. Hook ends shall not be used in any part of the anchoring system.

3. Tensioning device design. Tensioning devices such as turnbuckles or yoke-type fasteners shall be ended with clevis or forged or welded eyes.

¹ This coating shall be 0.625 ounces per square foot on each side of surface coated, effective January 1, 1977.

4. Ties. Cable or strapping or other approved methods or materials shall be used for ties. All ties shall be fastened to ground anchors and drawn tight with turnbuckles or other adjustable tensioning devices or devices listed with the ground anchor.

a. Tie materials shall be capable of resisting an allowable working load of 3,150 pounds with no more than 2 percent elongation and shall withstand a 50 percent overload (4,725 pounds total). Ties shall comply with the weathering requirements of Paragraph C.1. NOTE: Type 1, Class B, Grade 1 steel strapping, 1¼ inches wide and 0.035 inch thick, conforming with Federal Specification QQ-S-781G, is capable of meeting the working load and 50 percent overload specified herein.

b. Ties shall connect the ground anchor and the main structural steel frame (I-beam or other shape) which runs lengthwise under the mobile home. Ties shall not connect to steel outrigger beams which fasten to and intersect the main structural frame unless specifically stated in the manufacturer's installation instructions.

c. Connection of the cable frame tie to the mobile home I-beam or equivalent main structural frame member shall be by a ½-inch drop forged closed eye bolt through a hole drilled in the center of the I-beam web or other approved methods. The web shall be reinforced if necessary to maintain the I-beam strength.

d. Cable ends shall be secured with at least three U-bolt type cable clamps with the U portion of the clamp installed on the short (dead) end of the cable to assure strength at least equal to that required by MoH 450 C.4.a.

D. Ground anchors. Ground anchors, including means for attaching ties, shall be located to effectively match the anchoring system instructions provided by the mobile home manufacturer, or, if there are no instructions, in accordance with the requirements of MoH 450A herein, and shall be designed and installed to transfer the anchoring loads to the ground.

1. Capacity of anchors. Each ground anchor, when installed, shall be capable of resisting an allowable working load at least equal to 3,150 pounds in the direction of the tie plus a 50 percent overload (4,725 pounds total) without failure. Failure shall be considered to have occurred when the point of connection between the tie and anchor moves more than 2 inches at 4,725 pounds in the direction of the vertical tie when the anchoring equipment is installed in accordance with the manufacturer's instructions. Those ground anchors which are designed to be installed so that the loads on the anchor are other than direct withdrawal shall be designed and installed to

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resist an applied design load of 3,150 pounds at 45° from horizontal without displacing the anchor more than 4 inches horizontally at the point where the tie attaches to the anchor. Anchors designed for connection of multiple ties shall be capable of resisting the combined working load and overload consistent with the intent expressed herein.

2. Anchor design and installation. Each manufactured ground anchor shall be listed and installed in accordance with the terms of its listing and the anchor manufacturer's instructions and shall include means of attachment of ties meeting the requirements of MoH 450C.4. Ground anchor manufacturer's installation instructions shall include the amount of preload required,

the methods of adjustment after installation, and the load capacity in various types of soils. These instructions shall include tensioning adjustments which may be needed to prevent damage to the mobile home, particularly damage that can be caused by frost heave.

a. Each ground anchor shall have the manufacturer's identification and listed model identification number marked thereon so that the number is visible after installation. Instructions shall accompany each listed ground anchor specifying the types of soil for which the anchor is suitable under the requirements of Paragraph D.1. NOTE: The following data gives information relative to soil types with blow counts and torque values:

Types of Soils	Blow Count (ASTM D1586)	Test Probe ² Torque Value ³
Sound hard rock	NA	NA
Very-dense and/or cemented sands, coarse gravel and cobbles, preloaded silts, clays, and corals	40-up	more than 550 lbs. inch
Medium-dense coarse sands, sandy gravels, very-stiff silts and clays	24-39	350-549 lbs. inch
Loose to medium dense sands, firm to stiff clays and silts, alluvial fill	14-23 ⁴	200 to 349 lbs. inch

3. Use of concrete slabs or continuous footers. If concrete slabs or continuous footers are used to transfer the anchoring loads to the ground, the following shall be required:

a. Steel rods cast in concrete shall be capable of resisting loads as specified in Paragraph D.1.

b. Deadman concrete anchors may be used in place of listed anchors if they meet the requirements of MoH 450D.1.

c. Concrete slabs may be used in place of ground anchors provided the slab is so constructed that it pro-

vides holding strength equal to the requirements of Paragraph D.1.

4. Other anchoring devices. Other anchoring devices meeting the requirements of this section shall be permitted if acceptable to the authority having jurisdiction.

E. Anchor installation.

1. Specifications for anchors. Each type anchor suitable for this purpose shall have specification data showing the soil classification(s) for which it qualifies.

2. Selection of anchors. Anchor selection shall be based on a determination of the soil class at the depth the anchor helical plate will be installed.

3. Depth of anchors. All anchors shall be installed to the full depth shown in the anchor manufacturer's installation instructions.

F. Maintaining anchoring systems. Tie tension should be checked and adjusted when necessary to prevent

² The test probe is a device for measuring the torque value of soils to assist in evaluating the holding capability of the soils in which the anchor is placed. The test probe has a helix on it. The overall length of the helical section is 10.75 inches; the major diameter is 1.25 inches; the minor diameter is 0.81 inches; the pitch is 1.75 inches. The shaft must be of suitable length for anchor depth.

³ A measure synonymous with moment of a force when distributed around the shaft of the test probe.

⁴ Below these values, a professional engineer should be consulted.

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damage to the mobilehome from settling or other unforeseen movements (such as frost heave).

1. Frost heave. Frost heave can have an adverse effect on the mobile home through displacement of the mobile home anchoring and blocking systems. If a mobile home is located in an area subjected to frost heave, one of the following additional steps should be considered:

a. Footers and the load-carrying portion of the ground anchors should extend below the frost line, or

b. The mobile home should be placed on a reinforced concrete pad as specified in MoH 450D.3.c.

Figure A-1. Load Zone Map of the United States.

1. This map is a generalization of the load zones in the continental United States that may be useful in applying the principles set forth in MoH 450A.2.a(1) and 450B.3.

2. Shown along the Gulf and Atlantic coastline is the

Hurricane Zone where mobile homes "Designed for Hurricane Zones" should be used in compliance with Paragraph 6.3.2 of NFPA No. 501B. It is not feasible to show all the other areas subject to high winds in the United States, but the dash lines outline areas where recurrent winds up to 80 miles per hour have been experienced according to information now available.

3. The North Zone follows state lines in the Northern tier of states so that those states can adopt a uniform policy within their borders, mostly to safeguard against snow loads, although in many cases border states may have areas in both the Middle and North Zones. Also shown are the rough outlines of the three major mountain ranges in the United States which can affect load criteria.

4. As implied, determination of required loads for any given mobile home installation can only really be made by the local authority having jurisdiction and requires engineering judgement. Mobile home owners must be made aware of these factors for their own protection.

TABLE 450 A.2.a(1)
Number of Ties Required Per Side of Single Wide¹ Mobile Homes²

This table is based on a minimum working load per anchor of 3,150 pounds with a 50 percent overload (4,725 pounds total).

1 Length of ³ Mobile Home (Feet)	Hurricane Resistive				Nonhurricane Resistive			
			Alternate Method ⁴				Alternate Method ⁴	
	No. of Vertical Ties	No. of Diagonal Ties ⁵	No. of Baling Straps	No. of Diagonal Ties ⁶	No. of Vertical Ties	No. of Diagonal Ties ⁵	No. of Baling Straps	No. of Diagonal Ties ⁶
up to 40	2	4	2	5	2	3	2	3
40-46	2	4	2	6	2	3	2	3
46-49	2	5	2	6	2	3	2	3
49-54	3	5	3	7	2	3	2	3
54-58	3	5	3	7	2	4	2	4
58-64	3	6	3	8	2	4	2	4
64-70	3	6	3	9	2	4	2	5
70-73	3	7	3	9	2	4	2	5
73-84	4	7	4	10	2	5	2	5

¹ Double-wide mobile homes require only the diagonal ties specified in column 3 or 7, and these shall be placed along the outer side walls.

² Except when the anchoring system is designed and approved by a registered professional engineer or architect.

³ Length of mobile home (as used in this Table) means length excluding draw bar.

⁴ Alternate Method. When this method is used, an approved reinforcement means shall be provided. If baling is used to accomplish this reinforcement, the provisions of MoH 450A.2.a(1).

⁵ Diagonal ties in this method shall deviate at least 40° from a vertical direction.

⁶ Diagonal ties in this method shall be 45° ± 5° from vertical and shall be attached to the nearest main frame member.

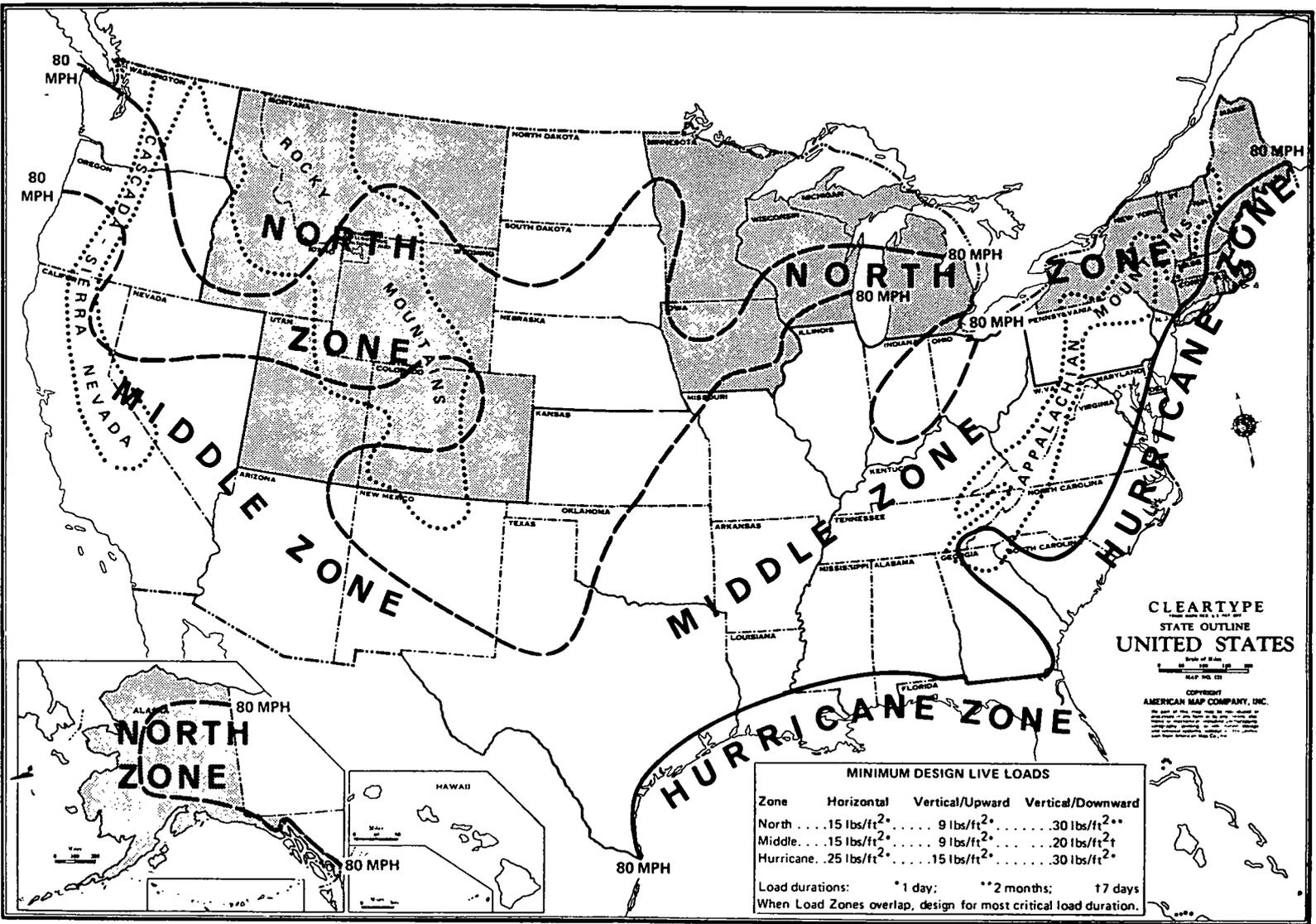
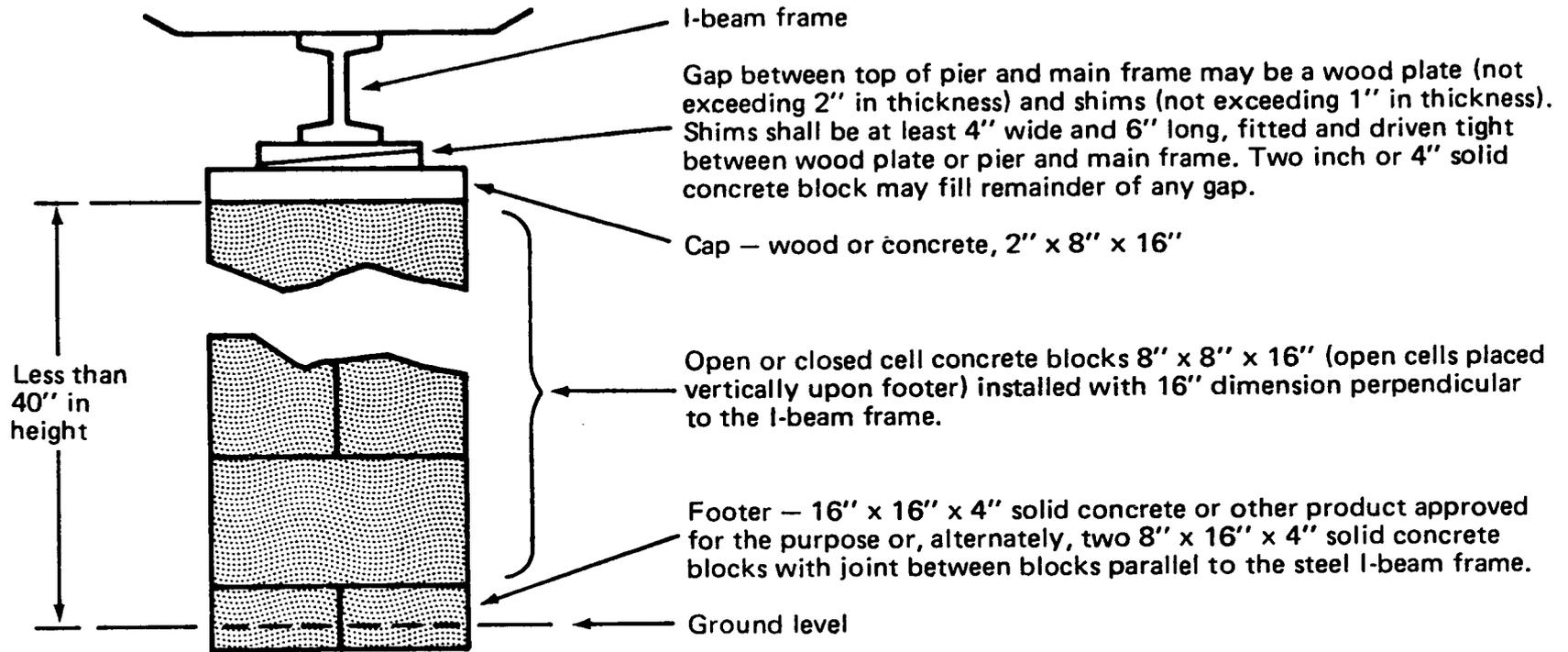


Figure A-1. Load Zone Map of U.S.A., see caption on opposite page.

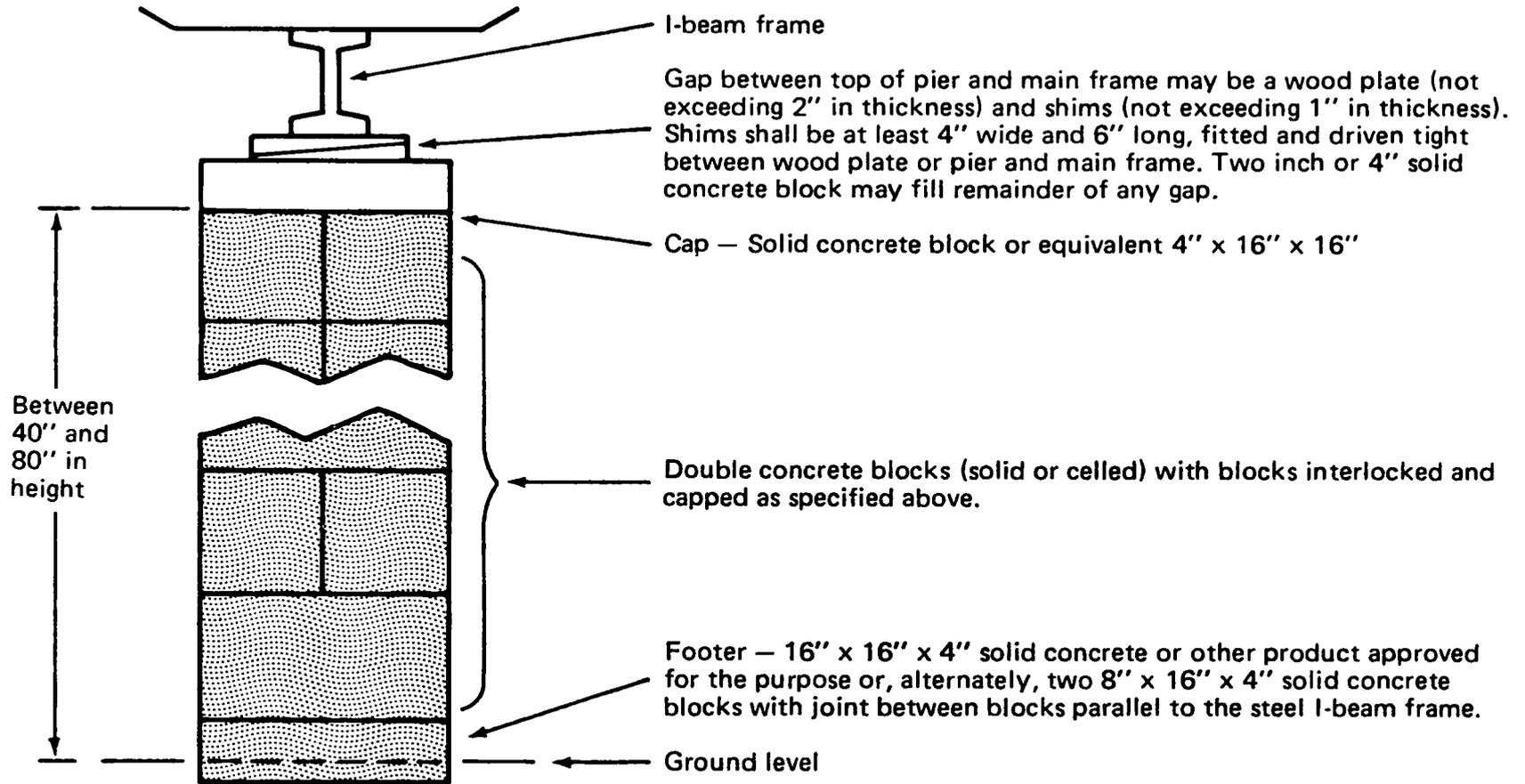
NOTE: In areas subject to frost heave, see MoH 450F.1



Footer placed on firm undisturbed soil or on controlled fill free of grass and organic materials compacted to a minimum load-bearing capacity of 2000 PSF.

Figure A-2. For piers less than 40 inches in height (except corner piers over 3 blocks high). Piers shall be securely attached to the frame of the mobile home or shall extend at least 6 inches from the centerline of the frame member.

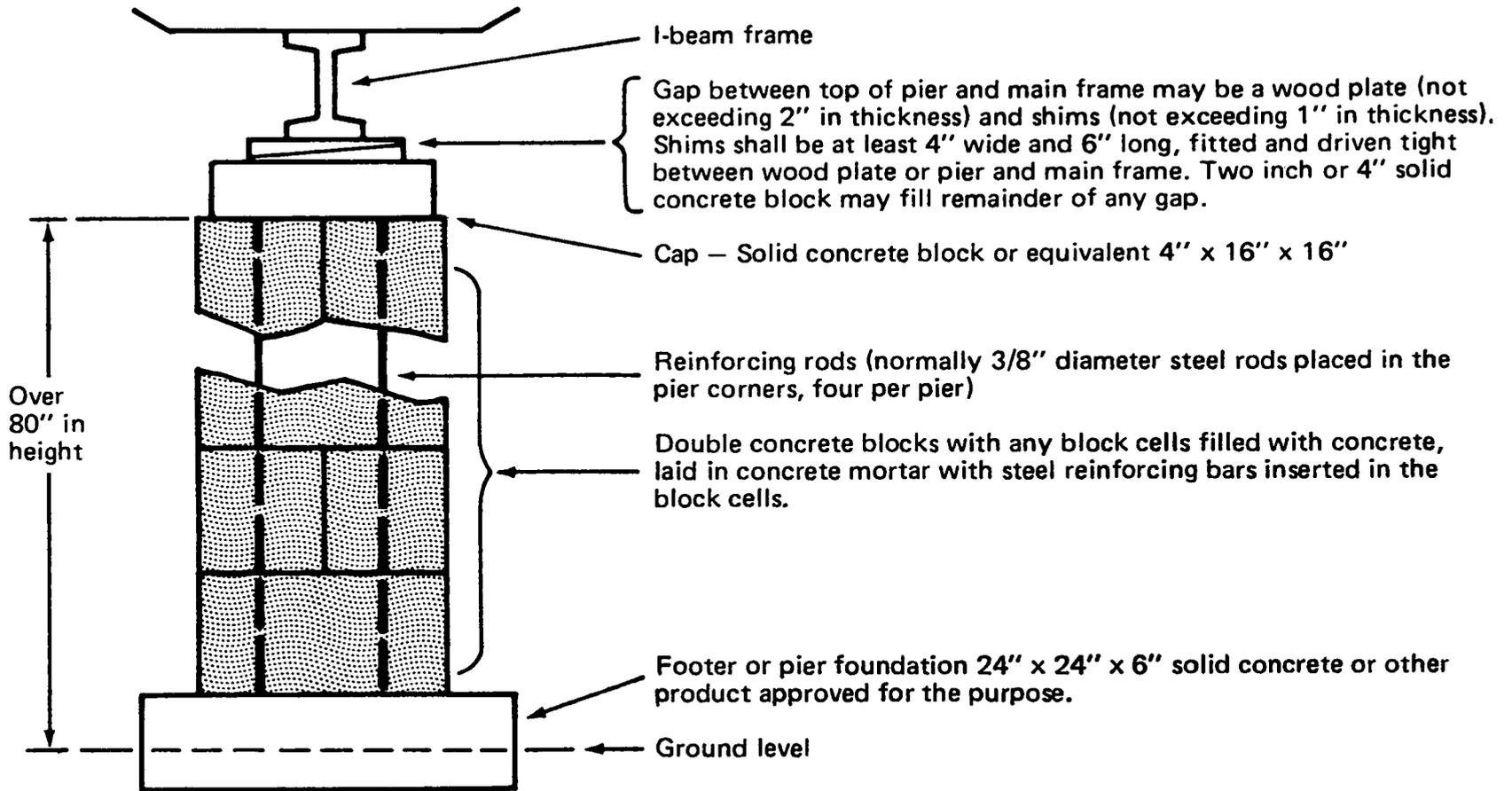
NOTE: In areas subject to frost heave, see MoH 450F.1



Footer placed on firm undisturbed soil or on controlled fill free of grass and organic materials compacted to a minimum load-bearing capacity of 2000 PSF.

Figure A-3. For piers 40 inches to 80 inches in height and all corner piers over 3 blocks high. Piers shall be securely attached to the frame of the mobile home or shall extend at least 6 inches from the centerline of the frame member.

NOTE: In areas subject to frost heave, see MoH 450F.1



Footer placed on firm undisturbed soil or on controlled fill free of grass and organic materials compacted to a minimum load-bearing capacity of 2000 PSF.

Figure A-4 For piers exceeding 80 inches in height. Piers shall be securely attached to the frame of the mobile home or shall extend at least 6 inches from the centerline of the frame member.

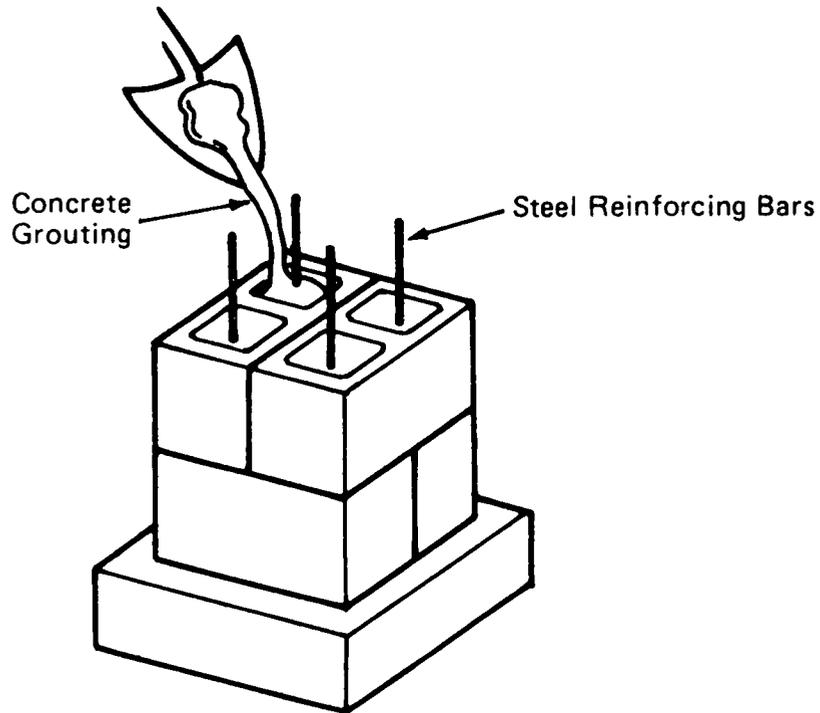


Figure A-5. For piers exceeding 80 inches in height the concrete blocks must be filled with concrete grouting and steel reinforcing rods utilized.

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